

equal to the average yield on outstanding marketable obligations of the United States as of the last day of the month preceding the date of the loan, adjusted to the nearest one-eighth of 1 per centum, which rate shall be determined by the Secretary of the Treasury upon the request of the authorized agency or agencies of the government of Guam; and that premium charges for the insurance and guarantee of loans shall be commensurate, in the judgment of the agency or agencies administering the fund, with expenses and risks covered.

(Pub. L. 90-601, §3, Oct. 17, 1968, 82 Stat. 1172.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1428c of this title.

§ 1428b. Prerequisite for loan or loan guarantee; maximum participation in available funds; reserves for loan guarantees

No loan or loan guarantee shall be made under this subchapter to any applicant who does not satisfy the agency or agencies administering the plan that financing is otherwise unavailable on reasonable terms and conditions. The maximum participation in the funds made available under section 1428 of this title shall be limited (a) so that not more than 25 per centum of the funds actually appropriated by the Congress may be devoted to any single project (b) to 90 per centum of loan guarantee, and (c) with respect to all loans, to that decree of participation prudent under the circumstances of individual loans but directly related to the minimum essential participation necessary to accomplish the purposes of this subchapter: *Provided*, That, with respect to loan guarantees, the reserves maintained by the agency or agencies for the guarantees shall not be less than 25 per centum of the guarantee.

(Pub. L. 90-601, §4, Oct. 17, 1968, 82 Stat. 1172.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

§ 1428c. Accounting procedures

The plan provided for in section 1428a of this title shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement, repayment, and accounting for such funds.

(Pub. L. 90-601, §5, Oct. 17, 1968, 82 Stat. 1172.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

§ 1428d. Report for inclusion in annual report by Governor

The Governor of Guam shall include in the annual report to Congress required pursuant to section 1422 of this title a report on the administration of this subchapter.

(Pub. L. 90-601, §6, Oct. 17, 1968, 82 Stat. 1173; Pub. L. 96-470, title II, §206(c), Oct. 19, 1980, 94 Stat. 2244.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

AMENDMENTS

1980—Pub. L. 96-470 substituted provision requiring the Governor of Guam to include in his report to Congress under section 1422 of this title a report on the administration of this subchapter for provision requiring the Governor of Guam to make an annual report to the Secretary of the Interior on administration of this subchapter, copies of which were to be forwarded to the Speaker of the House of Representatives and the President of the Senate.

§ 1428e. Audit of books and records of agency, or agencies, administering loan funds

The Comptroller General of the United States, or any of his duly authorized representatives, shall have access, for the purpose of audit and examination, to the books, documents, papers, and records of the agency, or agencies, of the government of Guam administering the plan that are pertinent to the funds received under this subchapter.

(Pub. L. 90-601, §7, Oct. 17, 1968, 82 Stat. 1173.)

CODIFICATION

Section was not enacted as part of the Organic Act of Guam which comprises this chapter.

CHAPTER 9—SAMOA, TUTUILA, MANUA, SWAINS ISLAND, AND TRUST TERRITORY OF THE PACIFIC ISLANDS

§§ 1431 to 1440. Transferred

Section 1431, act Mar. 4, 1925, ch. 563, 43 Stat. 1357, which related to sovereignty of United States extended over Swains Island, was transferred to section 1662 of this title.

Section 1431a, acts Feb. 20, 1929, ch. 281, 45 Stat. 1253; May 22, 1929, ch. 6, 46 Stat. 4, which related to islands of Tutuila, Manua, and Eastern Samoa, was transferred to section 1661 of this title.

Section 1432, act June 28, 1906, ch. 3585, 34 Stat. 552, which related to acknowledgment of deeds in the islands of Samoa, was transferred to section 1663 of this title.

Section 1433, act June 14, 1934, ch. 523, 48 Stat. 963, which related to inapplicability of coastwise shipping laws to Samoa, was transferred to section 1664 of this title.

Section 1434, act July 9, 1952, ch. 597, title I, §101, 66 Stat. 457, which related to purchases by governments of Samoa, was transferred to section 1665 of this title.

Section 1435, act July 9, 1952, ch. 597, title I, §101, 66 Stat. 458, which related to purchases by governments of Pacific Trust Territory, was transferred to section 1682 of this title. Act June 30, 1954, ch. 423, §1, formerly set out as a note under this section, and which related to continuance of civil government for the Trust Territory, is classified to section 1681 of this title. Section 2 of that act, which provided for annual appropriation authorization, is set out as a note under section 1681 of this title.

Section 1436, act July 9, 1952, ch. 597, title I, §101, 66 Stat. 458, which related to auditing transactions of Pacific Trust Territory, was transferred to section 1683 of this title.

Section 1437, act July 9, 1952, ch. 597, title I, §101, 66 Stat. 458, which related to expenditure of funds for administration of Pacific Trust Territory, was transferred to section 1684 of this title.

Section 1438, act July 9, 1952, ch. 597, title I, §108, 66 Stat. 460, which related to transfer of property or

money for administration of Pacific Trust Territory, was transferred to section 1685 of this title.

Section 1439, act July 31, 1953, ch. 298, title I, § 1, 67 Stat. 274, which related to approval by Congress of new activity in Pacific Trust Territory, was transferred to section 1686 of this title and was subsequently omitted from the Code.

Section 1440, Pub. L. 85-77, title I, § 1, July 1, 1957, 71 Stat. 266, which related to expenditure of appropriations for Pacific Trust Territory for aircraft and surface vessels, was transferred to section 1687 of this title.

CHAPTER 10—TERRITORIAL PROVISIONS OF A GENERAL NATURE

Sec.

- 1451. Rights of Indians not impaired; boundaries.
- 1452. Regulation of Indians.
- 1453 to 1469-1. Repealed.
- 1469a. Congressional declaration of policy respecting "Insular Areas".
- 1469a-1. Full amounts to be covered into treasuries of Guam, Northern Mariana Islands, Puerto Rico, and Virgin Islands; reductions prohibited.
- 1469b. Auditing of transactions of Territorial and local governments.
- 1469c. Availability of services, facilities, and equipment of agencies and instrumentalities of United States; reimbursement requirements.
- 1469d. General technical assistance.
 - (a) Assistance with matters generally within responsibility of governments; methods of assistance.
 - (b) Agricultural plantings and physical facilities, assistance for peoples of Enewetak Atoll and Bikini Atoll.
 - (c) Extension of programs administered by Department of Agriculture to Guam, Northern Mariana Islands, etc.
 - (d) Authorization of appropriations.
- 1469e. Insular government purchases.
- 1470 to 1488. Repealed or Omitted.
- 1489. Loss of title of United States to lands in territories through adverse possession or prescription forbidden.
- 1490. Repealed.
- 1491. License, permit, etc., for transportation for storage or storage of spent nuclear fuel or high-level radioactive waste; prerequisites; applicability; "territory or possession" defined.
- 1492. Energy resources of Caribbean and Pacific insular areas.
 - (a) Congressional findings.
 - (b) Congressional declaration of policy.
 - (c) Comprehensive energy plan.
 - (d) Demonstration of cost effective renewable energy technologies.
 - (e) Submission of comprehensive energy plan to Congress.
 - (f) Authorization of appropriations.
 - (g) Financial assistance.
- 1493. Prosecution; authorization to seek review; local or Federal appellate courts; decisions, judgments or orders.
- 1494. Purposes.
- 1494a. Annual reports to Congress.
 - (a) In general.
 - (b) Transmission date.
- 1494b. Enforcement and administration in insular areas.
 - (a) American Samoa.
 - (b) Guam.
 - (c) Northern Mariana Islands.
 - (d) Puerto Rico.
 - (e) Virgin Islands.

Sec.

- (f) Palau.
- 1494c. Drug Enforcement Agency personnel assignments.

CODIFICATION

The source of most sections of this chapter is the Revised Statutes enacted in 1873 and other early statutes. The Revised Statutes can no longer apply to contiguous territory because no such territory now exists. As to noncontiguous territory, Guam, Puerto Rico, and the Virgin Islands each has its own organic act, providing a complete system of government, legislative, executive, and judicial. The Canal Zone has its own code of laws. The independence of the Philippine Islands was recognized by Proc. No. 2695, eff. July 4, 1946, set out as a note under section 1394 of Title 22, Foreign Relations and Intercourse. The other possessions, such as Samoa, are covered by special provisions set out elsewhere in this title.

§ 1451. Rights of Indians not impaired; boundaries

Nothing in title 23 of the Revised Statutes shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory. As used herein, the term "Territory" does not include the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

(R.S. § 1839; Pub. L. 98-213, § 15(a), Dec. 8, 1983, 97 Stat. 1462.)

REFERENCES IN TEXT

Title 23 of the Revised Statutes, referred to in text, was in the original "this Title", meaning title XXIII of the Revised Statutes, consisting of R.S. §§ 1839 to 1976, and which, insofar as classified to the Code, is classified to sections 1451 to 1455, 1457 to 1460a, 1463, 1463a, 1465, 1467 to 1470, 1480, and 1482 to 1485 of this title and to sections 644 to 647, 649, and 655 to 657 of Title 16, Conservation. For complete classification of R.S. §§ 1839 to 1976 to the Code, see Tables.

CODIFICATION

R.S. § 1839 derived from N.M., act Sept. 9, 1850, ch. 49, § 2, 9 Stat. 447. Utah, act Sept. 9, 1850, ch. 51, § 1, 9 Stat. 453. Wash., act Mar. 2, 1853, ch. 90, § 1, 10 Stat. 172. Colo., act Feb. 28, 1861, ch. 59, § 1, 12 Stat. 172. Dak., act Mar. 2, 1861, ch. 86, § 1, 12 Stat. 239. Ariz., act Feb. 24, 1863, ch. 56, § 1, 12 Stat. 664. Idaho, act Mar. 3, 1863, ch. 117, § 1, 12 Stat. 808. Mont., act May 26, 1864, ch. 95, § 1, 13 Stat. 85. Wyo., act July 25, 1868, ch. 235, § 1, 15 Stat. 178.

AMENDMENTS

1983—Pub. L. 98-213 inserted provisions excluding from the term "Territory" the Virgin Islands, Puerto Rico, American Samoa, Guam, or the Northern Mariana Islands.

§ 1452. Regulation of Indians

Nor shall anything in title 23 of the Revised Statutes be construed to affect the authority of